



**LIETUVOS RESPUBLIKOS VALSTYBINIS PATENTU BIURAS  
STATE PATENT BUREAU OF THE REPUBLIC OF LITHUANIA**

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**PROTECTION OF COUNTRY NAMES**

Answering your letter of November 30, 2012, we would like to present the current practice of the State Patent Bureau of the Republic of Lithuania with regard to the protection of country names in the field of registration of trademarks.

Under the Lithuanian Trademark law there are no specific provision regarding country names to be protected from the registration as trademark for goods and services, except the name of Lithuania.

The Lithuanian Trademark law has a provision (Article 6, part 1 (8)) according to which a sign shall not be recognised as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if the sign consists of the official or traditional (abbreviated) state name of the Republic of Lithuania, of armorial bearings, flag or other state heraldic objects or any imitation from a heraldic point of view, also official signs and hallmarks indicating control and warranty, stamps, medals or marks of distinction, unless the permission for their use in a mark has been issued according to the established procedure by the institution authorised by the Government of the Republic of Lithuania. The Minister of Justice grants permission under the Law on Trademarks.

As regards the names of other countries, they are treated as geographical indications. Under the Lithuanian Trademark law, legal protection shall not be granted to the sign which consists exclusively of geographical indication, so, a country name cannot be a trademark, if it is only word mark. If country name forms part of the sign, i.e. a country name is one element amongst others and those other elements have distinctive character for the goods and services for which registration is sought, the sign could be registered as a trademark. A country name is always treated as disclaimer.

If the state name is in the position of an adjective, it will not be considered as descriptive of the source of origin.

We also would like to pay your attention to differences of a country name in different languages, which may cause considerable difficulties in recognizing the country, to which it belongs. For example, name of Lithuania in Lithuanian language is Lietuva, in English – Lithuania, in French - Lituanie, in Polish - Litwa, etc.

Yours sincerely,

Director

Rimvydas Naujokas